

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CLARENCE D. SCHREANE,

Petitioner,

v.

JEFF THOMAS, Warden, et al.,

Respondents.

CIVIL ACTION NO. 3:CV-14-0246
(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before the Court is Petitioner Clarence Schreane's Motion for Reconsideration (Doc. 23) of my October 30, 2014 order (Doc. 22). In that order, I adopted the Magistrate Judge's Report and Recommendation dismissing Mr. Schreane's *habeas corpus* petition and denying his request for a polygraph exam. Because Petitioner Schreane fails to demonstrate a change in controlling law, new evidence, or clear error of law or fact in the order, I will *deny* his Motion for Reconsideration.

A motion for reconsideration is governed by Federal Rule of Civil Procedure 59(e), which allows a party to move to alter or amend a judgment within twenty-eight days of the judgment's entry. Fed. R. Civ. P. 59(e). A party may not use a motion for reconsideration to merely reargue issues that the court has already determined. *Ogden v. Keystone Residence*, 226 F. Supp. 2d 588, 606 (M.D. Pa. 2002). Reconsideration of judgment is only appropriate where the moving party has demonstrated "(1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted the motion . . . or (3) the need to correct a clear error of law or fact to prevent manifest injustice." *Max's Seafood Café ex rel. Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1999).

Petitioner Schreane has not shown any of the above three (3) grounds for reconsideration. Instead, his motion reargues issues that I have already determined, and asks that I waive the requirements of the law. Thus, reconsideration of the October 30, 2014 order is not warranted.

ACCORDINGLY, this 30th day of January, 2015, IT IS HEREBY ORDERED that Petitioner's Motion for Reconsideration (Doc. 23) is DENIED. The Clerk of Court is instructed to mark this case as CLOSED.



A. Richard Caputo
United States District Judge